

MINUTES OF REGULAR MEETING HELD JANUARY 28, 2020

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, January 28, 2020 at 8:00 p.m.

Mayor Brindle made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 11, 2019. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Brindle, Council Members Parmelee, LoGrippe, Katz, Mackey, Contract, Dardia, Boyes

ABSENT: Councilwoman Habgood

INVOCATION AND FLAG SALUTE

Invocation was given by Councilman Dardia followed by the flag salute.

PRESENTATIONS

Mayor Brindle presented the following proclamations:

Town of Westfield
Westfield, New Jersey
PROCLAMATION
Westfield Neighborhood Council
50 Year Anniversary

Whereas, the Westfield Neighborhood Council (“WNC”) was founded in 1969 as “a private, non-profit community-based social service organization whose mission is to empower all members, children, youth and adults through quality educational and direct hands-on outreach as people strive with pride to reach their full human potential”; and

Whereas, the Westfield Neighborhood Council is primarily funded by private donations; and

Whereas, beyond serving its immediate neighborhood, the Westfield Neighborhood Council creates a rare opportunity to unify members of Westfield from all different backgrounds and income brackets; and

Whereas, everyone is welcome to participate in Westfield Neighborhood Council programs, volunteer at the Council, or simply socialize with fellow community members; and

Whereas, currently the Westfield Neighborhood Council offers nearly one dozen low-cost or free programs to about 100 individuals, including:

Homework Assistance Club: High school and intermediate school students meet with adult and peer mentors at WNC to receive help with their homework in all academic subjects;

Let’s Dance Lessons: Funded by a Union County HEART Grant, Imani Carter and Caylia Wallace instructs kids ages 4-14 in ballet, hip hop and spiritual dance at no charge. The lessons include an annual recital held at Tamaques Elementary School in March;

Neighborly Gathering: A neighborly gathering for seniors each Friday at 11:00 a.m. that includes music, food and games. For a minimal fee, the group participates in “Fun Days,” such as bingo, raffle, a dance in May, and a bus trip in October;

Vegetables for Seniors: During the summer, WNC members tend to a small garden in the backyard to grow fresh vegetables, which are then distributed to seniors in the community;

Mitzvah Corp Project: During the 2019-20 school year, Temple Emanu-El selected the WNC as its main organization for Mitzvah Corps, a community outreach volunteer organization for 8th and 9th grade religious school students. Through activities like providing technology advice to seniors, the kids are developing relationships with people of all generations and backgrounds to build stronger ties within Westfield; and

Whereas, the Westfield Neighborhood Council has been conducting many activities this past year in celebration of its 50th anniversary; and

Now, therefore, be it proclaimed that I, Mayor Michelle W. Brindle, on behalf of a grateful community, hereby congratulates the Westfield Neighborhood Council on the occasion of their 50th anniversary. Further, I offer heartfelt thanks to the past and present members of this great organization for their selfless service to our community.

Town of Westfield

Westfield, New Jersey

Proclamation



**Washington Elementary School
Blue Ribbon School**



WHEREAS, the United States Department of Education’s National Blue Ribbon Schools Program, created in 1982, recognizes outstanding school achievement in two special categories; and

WHEREAS, Washington Elementary School was named a National Blue Ribbon School in the category of “Exemplary High Performing School”, one of only nine schools in New Jersey to be so recognized in 2019; and

WHEREAS, Blue Ribbon schools serve as shining examples of excellence for other schools throughout the nation; and

WHEREAS, National Blue Ribbon Schools are honored at an annual awards ceremony in Washington D.C., where each receives a plaque and flag to signify its exemplary status; and

WHEREAS, on November 15, 2019, Washington School principal Dr. Andrew Perry, 5th grade teacher Matthew Cognetti and Superintendent Dr. Margaret Dolan traveled to Washington D.C. to accept the award on behalf of the school community from National Blue Ribbon School Program Director Aba S. Kumi; and

WHEREAS, the Town of Westfield wishes to memorialize the outstanding achievements of the students, teachers and administration of Washington Elementary School and recognize the esteemed distinction of being named a National Blue Ribbon School;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Michelle W. Brindle, on behalf of a proud community, hereby congratulates the entire Washington Elementary School community on being named a National Blue Ribbon School and, further, I hereby thank the dedicated educators who led the way.

Comments:

Dr. Andrew Perry, Washington School Principal, discussed the history of the National Blue Ribbon Schools Program, the application process and the criteria for selection as a Blue Ribbon School.

Town Administrator's Reports

- Discussed the 2020 census and the importance for everyone to be counted. Announced that there is information concerning the census on the Town's website and, if necessary, meetings could be held in the municipal building to assist residents with completing census forms. Also mentioned that there are employment opportunities available with the US Census Bureau for those interested.

Mayor's Remarks

- Discussed her continued meetings with officials from other towns. Feels they allow her to gain a valuable outside perspective on key issues for Westfield and believes the experience of other municipalities and lawmakers could greatly benefit the Town in addressing its core objectives this year. To that end, stated that she attended the NJ Planning Conference and heard from a number of experts about two (2) areas of particular interest for her, smart redevelopment and liquor license reform. Explained that both of these issues could play a substantial role as the Town begins the process of executing on the feedback from the Master Plan Reexamination. In addition, stated that today she spent the afternoon with Metuchen's Mayor Busch to discuss a variety of issues related to performing arts spaces, redevelopment, and parking solutions. Explained that Metuchen faces the same challenges and opportunities as Westfield and feels it was great to share how they are being tackled. Also discussed her attendance at a Mayors' breakfast with Congressman Malinowski where transportation, infrastructure, and available federal grants were discussed. Stated that she also met with State Senator Kean last week about the RVL/one-seat ride progress, as well as potential state arts grants for the transformation of the Rialto;
- Provided an update of the Rialto and stated that the Town is in the process of selecting a consultant with specific experience in the renovation of theater space to conduct a full assessment and feasibility study to transform the Rialto into a performing arts center. Also stated that a consultant is expected to be selected next week, and the Town has already submitted an application for grant funding to cover the costs;
- Announced that the volunteer portal on the Town's website is open for the new Human Relations Advisory Committee and mentioned that an ordinance to establish the committee would be introduced next month. Explained that this committee is being established in an effort to foster an environment of inclusivity, mutual understanding, and respect, and is intended to serve in an advisory capacity to promote these values. It would be comprised of seven (7) resident members and two (2) alternates. In addition, this group would work with the Mayor, Town Council and the Board of Education to improve access to programs, recommend policies, promote inclusivity, and provide education and awareness within Westfield. Encouraged residents to consider submitting an application, which are being accepted through Wednesday, February 5;
- Discussed the introduction of General Ordinance No. 2157 which formalizes the establishment of the Access and Inclusivity Council (AIC). Explained that since its establishment last year as an advisory council, this group has made substantial progress and achieved great milestones in the community, including advocating for the hiring of the Town's first ADA Coordinator, development of the Town's first ADA Grievance Procedure, and advocacy for disability right improvements as a component of the Parks Strategic Plan and the Master Plan Reexamination Process. The AIC has also helped to organize the adaptive skate sessions at the Westfield Rink, and promoted Autism Awareness Month and Stuttering Awareness Month initiatives. Thanked the members of the AIC, in particular co-chairs Julie Steinberg and Jen Grizmala Liu, for their ongoing dedication to ensuring that Westfield is an inclusive community for people of all abilities;
- Discussed Westfield 300 and the raising of the Westfield 300 flag at Town Hall earlier this month, as well as Westfield 300's welcoming of the First Baby of 2020. Stated that Jacob Cohen was born on January 2 to parents Matthew and Samantha and big sister Eliana. Stated that she was thrilled to meet the entire Cohen family last week and to present them with a commemorative gift basket. Extended her thanks to the Westfield branch of Two River Community Bank for donating a \$300 savings bond to Jacob. Also thanked the more than fifty (50) volunteers who have signed up to help with the Westfield 300 initiatives this year. Informed residents that the committee's co-chairs had

a productive meeting with many of them over the weekend, and she is thrilled to see this level of engagement so early in the year. Informed residents that there is still time to volunteer through the Westfield 300 section of the Town's website. In addition, announced that there is an upcoming Colonial Food and Drinks outing on February 23 at 16 Prospect Wine Bar & Bistro, which Westfield 300 is presenting in partnership with the Westfield Historical Society and the Miller-Cory House Museum. The evening will also include a discussion of Westfield's taverns and inns over the years. Tickets are available on the Historical Society's website;

- Extended her thanks to all who coordinated and participated in the many Martin Luther King Day events, and extended a special thanks to the Dr. Martin Luther King, Jr. Association. Feels it was a heartwarming and inspiring day honoring Dr. Martin Luther King, Jr.'s legacy, which began with the Westfield Community Center's annual pancake breakfast, followed by the MLK service project organized by Jennifer Gilman and Lee Schaefer, a march up East Broad Street with Congressman Tom Malinowski, and ended with the MLK service at the Presbyterian Church in Westfield, featuring prayer, music and fellowship.
- Congratulated the newly sworn in officers of the Westfield Volunteer Rescue Squad and stated that she had the pleasure of administering their oaths of office at their annual dinner this past Saturday. Stated that the Town is incredibly grateful for this dedicated group of volunteers that provide invaluable first aid service to our community;
- Discussed the Police Chief's recent announcement of two (2) promotions in the department and stated that Marcin Kapka and Nicole Stivale were both promoted to the rank of Lieutenant, effective January 13. Discussed Lieutenant Kapka's appointment to the Westfield Police Department in 2003, and stated that he is a highly decorated officer, having received the prestigious Medal of Valor, along with a number of other commendations. Lieutenant Stivale was appointed to the Westfield Police Department in 2005 after graduating first in her class at the Union County Police Academy. Announced that Lieutenant Stivale is now the first female Lieutenant and the highest-ranking female officer in the history of the Westfield Police Department. A formal swearing in ceremony will be held during the March 10 Town Council meeting with a full list of professional achievements for Lieutenants Kapka and Stivale;
- Discussed the final draft of the Parks and Recreation Strategic Plan, which was approved by the Recreation Commission at its last meeting and is available for review on the Town's website. Encouraged all to take the time to read what she feels is a very exciting road map for Westfield's fields, open spaces, and recreational opportunities. Announced that the Recreation Commission meets again on February 3 and the meeting would be open to the public for comments. Also announced that the firm retained to produce the Parks and Recreation Strategic Plan is scheduled to attend the February 11 Town Council meeting to present its findings and encouraged all to attend. Stated that she and the Town Administrator have already had a very productive discussion with Superintendent Dolan, School Business Administrator Dana Sullivan, and the Chair and Vice Chair of the Board of Education regarding the recommendation for installing lighted turf fields at Edison Intermediate School. The Board of Education was very supportive of working together toward a potential shared services agreement to realize the full potential of those fields, and there are plans to assign a joint working group to determine how this could be moved forward.

Historic Preservation Commission Report:

Kelly Kessler, Historic Preservation Commission Vice-Chairwoman, provided an update as to the state of the Westfield Historic Preservation Commission. Informed the Town Council that 2019 was a productive year for the Historic Preservation Commission, which included three (3) major applications to renovations of historically designated properties, and the designation of four (4) properties as historic landmarks; the Reeve House, Triangle Park, 603 Clark Street and 1737 Nevada Street. Ms. Kessler also discussed items being considered in 2020, such as the potential designation of a parcel on West Dudley Avenue, located across from Clark Park. In addition, Ms. Kessler discussed input provided by residents through the Master Plan process, whereby eighty (80%) percent of residents indicated that they value Westfield's historic neighborhoods and are concerned with the destruction of historic homes through tear downs. Also referred to a survey of millennials conducted by the National Trust of Historic Preservation which indicated that ninety (90%) percent of those surveyed feel that it is important to preserve buildings, architecture, neighborhoods and communities. Mentioned that the Historic

Preservation Commission is also in the process of updating its preservation plan as part of the Master Plan, as well as updating of the Town’s Historic Preservation ordinance for compliance with State regulations. Adoption of the amendments to the Historic Preservation ordinance would allow the Historic Preservation Commission to become recognized by the State as a “legitimate” commission and would also allow the Town to become eligible to participate in certain grant programs and educational services.

Mayor Brindle thanked Ms. Kessler for her efforts in her previous role as Chairwoman of the Historic Preservation Commission.

Maria Boyes, Historic Preservation Commission Chairwoman, discussed the Speaker Series conducted by the Historic Preservation Commission during 2019, including a combined “meet and greet” with the Historic Preservation Commission, followed by a virtual walking tour by local architects and Historic Preservation Commission member Greg Blasi. The second event in the series involved Dorothy Guzzo, Executive Director of the New Jersey Historic Trust, who spoke about the economic benefit of historic preservation, in particularly how it applies to downtown properties. The third event was the Devlin Awards, chaired by Historic Preservation Commission member Jennifer Jaruzelski. Discussed the awards that were presented, specifically the Special Recognition Award to the Brass Shop, and the recent unfortunate passing of the award recipient, Margaret Giannone. Also discussed the revival of the Student Art and Writing Contest after fifteen (15) years and its 2019 award recipient, 9th Grade Westfield High School Student, Shirzad Mustafa. Informed the Town Council that there were dozens of articles appearing in various local media outlets with respect to the Historic Preservation Commission, including the Westfield Leader, Westfield Monthly, Westfield Living, NJ.com, Preservation NJ, and Tap into Westfield. In addition, discussed the Historic Preservation Commission’s efforts to utilize social media for outreach and to communicate its events and thanked the Public Information Officer for helping to facilitate this effort. Also stated that she worked with David Marcus of the Media Advisory Council during Preservation Month to interview the Newells on the recent historic designation of their home at 603 Clark Street. Lastly, discussed the establishment of a budget for the Historic Preservation Commission, which enabled the Commission to hire a historic consultant, who is in the final stages of revising design guidelines, and to purchase plaques for historically designated homes. Extended her thanks to Alison Carey for her efforts with researching the design of the plaques. In conclusion, Ms. Boyes announced that these plaques would be presented to the homeowners at the next meeting of the Historic Preservation Commission, which is scheduled for February 24, 2020 in Council Chambers.

APPOINTMENTS

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

**TOWN OF WESTFIELD
INVITATION TO BID
WEDNESDAY, January 22, 2020
2020 BRUSH/LOG DOUBLE GRINDING**

<u>Bidder</u>	<u>Amount of Bid</u>
Wildheart Industries	\$450,000.00
1524 Millstone River Road	
Hillsborough, NJ 08844	
Peter Downes & Son Inc.	\$76,000.00
80 Airport Road	
West Milford, NJ 0748	
Britton Industries	\$59,500.00
227 Bakers Basin Road	
Lawrenceville, NJ 08648	

J.H. Reid On-Site Recycling	\$69,000.00
3230 Hamilton Blvd	
South Plainfield, NJ 07080	

MINUTES

On a motion by Councilman Contract and seconded by Councilman Dardia, Council approved the Minutes of the Town Council Conference Session, Executive Session and Regular Meeting held January 14, 2020.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Sean Smith, Westfield resident, discussed the Parks and Recreation Strategic Plan (Plan) and stated that while he is happy to read that a full analysis of the Town’s fields was conducted, the results confirmed that the fields are in very poor condition. Discussed the fact the Plan is global and all encompassing, but with a very large cost to complete all of the improvements proposed. Stated that many of the Board of Education’s fields were included in the Plan and expressed concern that it did not include an agreement from the Board of Education indicating that it would be willing to move forward with these improvements. Feels a meeting between the Town and Board of Education is necessary.

Mayor Brindle explained that she addressed Mr. Smith’s comment concerning the Board of Education during her opening remarks.

Mr. Smith also discussed lighted fields in other municipalities and the advances in technology with respect to field lighting, which were also recommended in the Plan, but for fields owned by the Board of Education. Expressed concern that improvements to Town fields that were included in the Plan are recommended over the next three (3) to five (5) years. Feels some of these recommendations will move forward “easily”, “quietly”, and with “little objection”, such as the installation of dog parks or the relocation of the ice rink, but believes field improvements are the priority. Informed the Town Council that many of Westfield’s sports clubs are entering into long-term agreements for field use in other communities because of the condition of Westfield’s fields.

Mayor Brindle stated that a meeting with the Board of Education was held last week and that the Board of Education was comfortable with exploring a shared services arrangement with the Town for field improvements. Also discussed a meeting she had with the Mayor of Metuchen, who is an attorney for the Woodbridge Board of Education, and explained that Woodbridge is the model for shared services agreements for schools. Referred to Mr. Smith’s comment that some of the recommendations would be “easy” and “quiet” and disagreed with that assessment. Suggested that Mr. Smith attend the next meeting of the Recreation Commission and provide input. Explained that the Plan is very ambitious, and money is an issue. As such, the Town will need the cooperation and collaboration with the Town’s various sports clubs and teams to determine how priorities would be funded.

Councilman Dardia suggested that Mr. Smith encourage Westfield’s sports clubs and teams to attend the Recreation Commission’s meeting on February 3 as well, so that they can provide input as to their priorities.

Hearing no further comments, Mayor Brindle closed this portion of the meeting.

BILLS AND CLAIMS

On motion by Councilman Contract, and seconded by Councilman LoGrippo, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$541,213.38 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town

Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Contract, and seconded by Councilwoman Mackey, were unanimously adopted.

Resolution No. 33

WHEREAS, there is a need to communicate information to the public in the form of tax assessment notices to the property owners, and

WHEREAS, payment for the postage to the United States Postal Service is required prior to the mailing of the assessment notices;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for postage payment in an amount not to exceed \$3,500.00 charged to the Tax Assessor’s postage account.

Resolution No. 34

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2017-2019 pursuant to the Tax Court of New Jersey:

Block/Lot			
Name	Address	Year	Amount
2606/15	928 South Avenue West	2017	\$4,669.23
Miller, Michael P. Sr.		2018	\$4,694.99
Check payable and mail to:		2019	<u>\$2,005.95</u>
Michael A. Vespasiano, Attorney Trust Account			\$11,370.17
Law Office of Michael A. Vespasiano			
331 Main Street			
Chatham, NJ 07928			
2606/24	822 South Avenue West	2019	\$3,332.50
South Ave Realty Group, LLC			
Mail to:			
Zipp & Tannenbaum, L.L.C.			
280 Raritan Center Parkway			
Edison, New Jersey 08837			
3207/1.01	333 Central Avenue	2018	\$27,891.00
HC Westfield 2015 LLC			
Check payable and mail to:			
Brach Eichler L.L.C. and HC Westfield 2015 LLC			
101 Eisenhower Parkway			
Roseland, New Jersey 07068			

Resolution No. 35

WHEREAS, the Westfield Service League is a 501 (c) (3) organization in the Town of Westfield, and

WHEREAS, the Westfield Service League has requested a reimbursement for administrative costs pertaining to Road Opening Permit #19-314 and Parking Fees, incurred from an emergency sewer repair and

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Westfield Service League for \$700.00, and forward to 114 Elmer Street, Westfield, NJ 07090.

Resolution No. 36

RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2020 budget:

February 3, 2020	\$104,086.75
May 1, 2020	\$104,086.75

Resolution No. 37

RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the County of Union, for County Purpose and Open Space Taxes and Added and Omitted County and Open Space Taxes as provided in the year 2020 budget:

County Purpose Taxes	
February 18, 2020	\$10,203,441.52
May 15, 2020	\$10,203,441.52
County Open Space Taxes	
February 18, 2020	\$304,011.57
May 15, 2020	\$304,011.57
County Added & Omitted Taxes	
February 18, 2020	\$95,185.70
County Open Space Added & Omitted Taxes	
February 18, 2020	\$2,693.47

The following resolution, introduced by Councilman Contract, seconded by Councilman LoGrippe was adopted by the following roll call vote:

Resolution No. 39

RESOLVED that the Chief Financial Officer be and he is hereby authorized to make the following transfer(s) in the 2019 Budget (Appropriation Reserve) accounts:

	<u>OUT</u>	<u>IN</u>
<u>CURRENT FUND</u>		
ADMINISTRATION		
9-01-100-101 Salaries & Wages (S&W)		1,200
9-01-100-256 Other Expenses (O/E)		5,000
TAX COLLECTOR		
9-01-105-101 (S&W)		500
TAX ASSESSOR		
9-01-110-101 (S&W)		700
FINANCE		
9-01-115-215 (O&E)	2,900	
FIRE		
9-01-125-215 (O&E)	7,000	
9-01-125-216 (O&E)	2,000	
9-01-125-219 (O&E)	11,000	
FIRE SAFETY OFFICIAL		
9-01-127-101 (S&W)		600
9-01-127-201 (O&E)	3,000	
9-01-127-211 (O&E)	2,000	

POLICE		
9-01-130-101 (S&W)	19,000	
9-01-130-201 (O/E)		4,000
PARKING		
9-01-131-101 (S&W)		400
ENGINEERING		
9-01-135-101 (S&W)		2,200
EMERGENCY MANAGEMENT		
9-01-136-211 (O&E)	1,000	
PUBLIC WORKS		
9-01-137-101 (S&W)		50,000
BOARD OF HEALTH		
9-01-150-101 (S&W)	11,000	
9-01-150-203 (O&E)	2,000	
9-01-150-204 (O&E)	2,600	
9-01-150-213 (O&E)	1,700	
9-01-150-214 (O&E)	2,700	
9-01-150-215 (O&E)	5,500	
9-01-150-217 (O&E)	100	
9-01-150-251) (O&E)	2,400	
INSPECTION OF BUILDINGS		
9-01-165-101 (S&W)		2,500
MUNICIPAL COURT		
9-01-175-101 (S&W)		200
9-01-175-209 (O&E)	4,000	
9-01-175-217 (O&E)	2,300	
ELECTRICITY		
9-01-166-211 (O/E)		4,000
STREET LIGHTING		
9-01-167-211 (O/E)		21,100
WATER		
9-01-169-211 (O&E)		1,000
HEATING		
9-01-170-211 (O&E)		4,200
UNEMPLOYMENT		
9-01-181-211 (O&E)	10,000	
ANIMAL CONTROL		
9-01-196-211 (O&E)	5,700	
OTHER INSURANCE/JIF (O/E)		
9-01-184-221		300
TELEPHONE		
9-01-168-211 (O/E)		2,500
	<hr/>	<hr/>
	\$97,900	\$97,900

The following resolution, introduced by Councilman Dardia, Chairman of the Public Safety, Transportation and Parking Committee, and seconded by Councilman Contract, was unanimously adopted.

Resolution No. 40

WHEREAS, the Town of Westfield has determined a need for an on-call traffic safety and engineering services consultant to assist the Town as necessary; and

WHEREAS, the Public Safety, Transportation & Parking Committee has recommended to the Town Council that a professional services contract not to exceed \$15,000 be awarded to NV5 Engineering, 7 Campus Drive, Suite 300, Parsippany, NJ 07054 for aforesaid services; and

WHEREAS, Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with NJAC 5:30-1.10, has been furnished to the Town Clerk. Expenditure of funds pursuant to this contract is to be charged to Account #135-114, under PO #20-00204;

NOW THEREFORE BE IT RESOLVED, that the Town of Westfield award a contract to NV5 Engineering for the aforementioned service at a fee not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that the proper Town Officials be authorized to effect whatever actions are necessary in the execution and discharge of this contract.

Code Review & Town Property Committee

The following resolution, introduced by Councilwoman Mackey, Chairwoman of the Code Review & Town Property Committee, and seconded by Councilman Boyes, was unanimously adopted.

Resolution No. 41

WHEREAS, the Town of Westfield strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Town of Westfield has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Town of Westfield received and responded to 768 OPRA requests in 2017; 987 OPRA requests in 2018; and 1,150 OPRA requests in 2019; and

WHEREAS, the Town of Westfield municipal staff has spent approximately 1,040 hours in 2019 alone responding to OPRA requests; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA requests, the Town of Westfield must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees of over \$20,000 in 2019 alone; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Town of Westfield appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to State Senator Thomas H. Kean, Jr., Assemblyman Jon M. Bramnick, Assemblywoman Nancy F. Munoz, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, the Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

General Ordinance No. 2156

Regarding the following ordinance, Councilwoman Mackey made the following announcement:
I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2156 – AN ORDINANCE AMENDING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO EXPAND THE BOARD OF THE DISTRICT MANAGEMENT CORPORATION OF THE TOWN OF WESTFIELD"

The motion was seconded by Councilman Katz

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Parmelee	Nays:	Absent: Habgood
LoGripipo		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2156 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 11th day of February 2002 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

General Ordinance No. 2157

Regarding the following ordinance, Councilwoman Mackey made the following announcement:
I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2157 – AN ORDINANCE ESTABLISHING THE WESTFIELD ACCESS AND INCLUSIVITY COUNCIL FOR THE TOWN OF WESTFIELD”

The motion was seconded by Councilman LoGrippe

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Parmelee	Nays:	Absent: Habgood
LoGrippe		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2157 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 11th day of February 2002 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Public Works Committee

The following resolution, introduced by Councilman Contract, Chairman of the Public Works Committee, and seconded by Councilman Dardia, was unanimously adopted.

Resolution No. 41

WHEREAS, a need exists for the grinding of accumulated brush material to a mulch product for internal use, contractor sales and residential distribution by the Department of Public Works, as provided for in Public Works account 137-254, and

WHEREAS, sealed bids were received on Wednesday, January 22, 2020, and

WHEREAS, the low bid, submitted by Britton Industries, Inc., has been analyzed and found to be in conformance with the appropriate specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to Public Works account 137-254, under Purchase Order PO-20-00255, in an amount not expected to exceed \$59,500.00.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract be awarded to Britton Industries, Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract.

Reports of Department Heads

ADJOURNMENT

A motion to adjourn, made by Councilman LoGrippe and seconded by Councilman Dardia at 9:00 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk